

**REMARKS**

The Examiner rejected claim 1 as being obvious over Hayashi in view of Adams. In response, Applicant has amended claim 1, without adding new matter, to better clarify the claimed invention.

Claim 1 is directed to a mobile communications device that activates and deactivates a complementary multi-media effect in time with the playback of an audio file. To accomplish this, the mobile communications device comprises a processor that analyzes the audio contents of the audio file, and then calculates synchronizing information based on the analysis. The processor then uses this synchronizing information to generate a pattern to activate/deactivate the complementary multi-media effect synchronously with the playback of the audio. The pattern may be a sequence of control signals that control lights or a tactile function generator, for example, to activate/deactivate synchronously (i.e., pulse rhythmically) in time with the audio contents during the playback of the audio file. *E.g. Spec.*, p. 6, ln. 3 – p. 7, ln. 11.

Claim 1 has been amended to recite that the processor generates a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information. Neither Hayashi nor Adams teaches or suggests this limitation, alone or in combination.

Hayashi discloses a mobile phone that downloads play data from a server via the Internet. *Hayashi*, pg. 5, ll. 20-22. As the Examiner admits, Hayashi does not teach or suggest calculating synchronization information based on an analysis of the audio file. Because Hayashi does not calculate the synchronizing information, it cannot teach or suggest a processor that generates a pattern to render a complementary multi-media effect synchronously with the playback of the audio file based on calculated synchronizing information.

Adams does not remedy this deficiency. In Adams, a computer program allows a user to edit the audio track of an associated video. *Adams*, Figure 1. Particularly, the user manually places “reference markers” along a displayed graphical indication of the audio signal to indicate the beginning (and/or the end) of a given audio segment. The program then determines the length (in time) of the segment, and identifies the number of beats in the segment, and uses this information to calculate an adjusted tempo for the audio. *Adams*, p. 3, ¶¶[0031-0032]; p. 4, ¶¶[0040-0043].

The Adams method is used to synchronize audio to video (or to other audio). However, “synchronization” in Adams is not the same as the synchronization in the claims. “Synchronization” in Adams means ensuring that both the audio segment and its corresponding video segment begin and end at the same time. To do this, Adams changes the tempo of the audio in the audio segment by making it faster or slower. In contrast, the claimed invention generates a pattern for a multimedia effect, such as a flashing light, that is synchronized with the audio. The two concepts are not the same.

Neither Hayashi nor Adams teaches or suggests a processor that generates a pattern as claimed in claim 1. And, since neither reference alone teaches or suggests this limitation, any combination of the two also fails to teach or suggest this limitation. Accordingly, claim 1 and its dependent claims, are patentably non-obvious over the cited references.

The Examiner also rejected independent claims 22, 41, and 57 as being obvious over Hayashi in view of Adams. Claim 22 is directed to a method of synchronizing multi-media effects with an audio file in a mobile communications device. Claim 41 is a method claim directed to synchronizing one or more complementary multi-media effects with an audio file in a mobile communications device. Claim 57 is an apparatus claim directed to a microprocessor in the mobile communications device configured to synchronize complementary multi-media effects with an audio file in a mobile communications device. Each of these claims has been

amended, without adding new matter, to include language similar to that of claim 1. As such, for reasons similar to those stated above for claim 1, none of the references teaches or suggests, alone or in combination, any of claims 22, 41, and 57, or any of their respective dependent claims.

The Examiner next rejected independent claims 11 and 31 as being obvious over Hayashi in view of Shibata and Adams. However, claims 11 and 31 have been amended, without adding new matter, to contain language similar to that of claim 1. Particularly, claim 11 is directed to a mobile communication device having the claimed processor. However, rather than generate the pattern for the complementary multimedia effect based on the calculated synchronizing information, the processor of claim 11 generates the pattern based on synchronizing information selected by the user. Claim 31 is the corresponding method claim.

For the reasons stated above, neither Hayashi nor Adams teaches or suggests, alone or in combination, generating a pattern for the complementary multimedia effects as claimed. This is true regardless of whether the processor generates the pattern based on analyzing the audio content of an audio file, or on specific synchronization information selected by the user. Moreover, Shibata does not remedy these deficiencies, and in fact, is not concerned with synchronizing complementary multimedia effects with audio.

In Shibata, a radio communication device notifies a user of an incoming call using a complementary multi-media effect such as a vibration mechanism or lights. However, the device notifies the user using either a melodic ring tone or a complementary multi-media effect. *Shibata*, ¶[0005]. Shibata is not concerned with synchronizing complementary multi-media effects with an audio file. Thus, Shibata does not teach or suggest generating a pattern to synchronize the two as claimed, nor is there a reason for Shibata to do so.

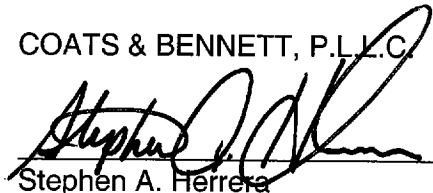
Accordingly, none of Hayashi, Adams, and Shibata teaches or suggests, alone or in combination, a processor that generates a pattern in which to render a complementary multi-

media effect synchronously with the playback of an audio file based on user-selected synchronizing information. Therefore, claims 11 and 31, and each of their respective dependent claims, are patentable over the cited art.

In light of the foregoing amendments and remarks, the claims are patentably non-obvious over the cited references. Accordingly, Applicant requests reconsideration and allowance of all pending claims.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Stephen A. Herrera", is written over a horizontal line.

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